

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAQUILLE ROBINSON,

Plaintiff,

-against-

THE CITY OF NEW YORK; DETECTIVE
SHANTAI VASQUEZ, Shield # 933446, 28 PDU of
Manhattan; DETECTIVE ANGEL RODRIGUEZ,
Shield # 929568, 28 PDU of Manhattan;
DETECTIVE EATSON DAVIS, Shield # 879529, 28
PDU of Manhattan; DR. JELENA KRCEDINAR, The
Office of Chief Medical Examiners; PARAMEDIC
DANNY WONG, Mount Sinai Hospital – EMS;
PARAMEDIC FERNANDO CORREA, Mount Sinai
Hospital – EMS; A.D.A. KRISTEN BARAIOLA,
District Attorney Office of New York; THE OFFICE
OF CHIEF MEDICAL EXAMINERS; 28 PDU OF
MANHATTAN; MOUNT SINAI EMS; DISTRICT
ATTORNEY OFFICE OF NEW YORK,

Defendants.

23-CV-2458 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

To proceed with a civil action in this Court, a prisoner must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application and a prisoner authorization.¹ See 28 U.S.C. §§ 1914, 1915. If the Court grants a prisoner’s IFP application, the Prison Litigation Reform Act requires the Court to collect the \$350.00 filing fee in installments deducted from the prisoner’s account. See 28 U.S.C. § 1915(b)(1). A prisoner seeking to proceed in this Court without prepayment of fees must therefore authorize the Court

¹ On December 1, 2023, the administrative fee increased to \$55.00, but that increase does not apply here because Plaintiff’s case was filed before December 1, 2023.

to withdraw these payments from his account by filing a “prisoner authorization,” which directs the facility where the prisoner is incarcerated to deduct the \$350.00 filing fee² from the prisoner’s account in installments and to send to the Court certified copies of the prisoner’s account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b).

Plaintiff, who is currently detained at the Otis Bantum Correctional Center on Rikers Island, filed this *pro se* action on March 22, 2023. Plaintiff filed a request to proceed IFP and a prisoner authorization authorizing the deduction of the filing fee in installments from his prison account, and by order dated March 28, 2023, the Court granted Plaintiff’s request to proceed IFP.

In response to the Court’s March 28, 2023 order, the court has received seven payments, totaling \$488.80, from the New York City Department of Correction. Because the court has collected more than the \$350.00 required from Plaintiff, the New York City Department of Correction is directed to stop deducting money from Plaintiff’s prison account for this case. The Finance Unit of the Clerk’s Office is directed to refund Plaintiff \$138.80. the amount over \$350.00 that has been collected.

CONCLUSION

The New York City Department of Correction is directed to stop deducting money from Plaintiff’s prison account for this case.

The Finance Unit of the Clerk’s Office is directed to refund Plaintiff \$138.80, the amount over \$350.00 that has been collected. Should any additional funds be remitted to the court for this case, the Finance Unit is directed to refund those funds to Plaintiff.

² The \$52.00 administrative fee for filing a civil action does not apply to persons granted IFP status under 28 U.S.C. § 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: December 7, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge